



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

MAR 17 2016

Jacqueline Lendrum, Section Chief
Division of Water
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-3500

Re: New York Draft CWA CAFO Permit

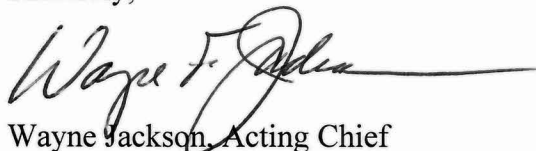
Dear Ms. Lendrum:

The U.S. Environmental Protection Agency (EPA) has completed a review of the New York State draft Clean Water Act (CWA) Concentrated Animal Feeding Operations (CAFO) General Permit, which the New York State Department of Environmental Conservation (DEC) transmitted to the EPA on December 23, 2015. In our February 4, 2016 letter to Deputy Commissioner James Tierney, the EPA stated that initial comments and recommendations to the DEC would be provided on February 25, 2016. We apologize for the delay. By this letter, the EPA is hereby providing initial comments and recommendations to the DEC. The full array of EPA comments on the draft CWA CAFO General Permit is embedded in the permit document itself (attached). We also have enclosed a summary of our major comments on the CWA General Permit and limited comments on the Environmental Conservation Law (ECL) General Permit in attachment 1, additional information on EPA's National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule in attachment 2 and a crosswalk comparison of DEC's nutrient management plans with federal requirements in attachment 3. These comments and recommendations should be considered along with those received from the public.

Our February 4, 2016 letter outlined the permit review process as described in the Memorandum of Agreement between the EPA and the DEC, which authorizes DEC's SPDES Program. As a next step, the EPA will review the proposed permit, which we expect will have addressed the EPA's comments and responded to any relevant comments received from the public. The EPA's final review will be completed as soon as possible, but no later than forty five days after receipt of the proposed permit. The EPA will then notify the DEC of its approval of the permit or of any remaining comments, recommendations or objections that must be addressed prior to final issuance.

Thank you in advance for your cooperation. We would be happy to meet with you and your staff to discuss our comments at your convenience. To schedule a meeting or to discuss any questions, please contact me at (212) 637-3807, or you may contact Andrea Coats at (212) 637-3850.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne Jackson", followed by a long horizontal line extending to the right.

Wayne Jackson, Acting Chief
Clean Water Regulatory Branch
Clean Water Division

Attachment(s) 3